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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
OLD REPUBLIC TITLE COMPANY
OF NEVADA TO PRODUCE
DOCUMENTS AND ONE OR MORE
REPRESENTATIVES FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Old Republic Title Company of Nevada ("Old Republic") to produce documents and one or more representatives, as set forth in the subpoena to be issued under Federal Rule of

1 Bankruptcy Procedure 9016, to appear for examination at the office of Lewis and Roca
2 LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89160, on a business
3 day no earlier than ten (10) business days after the filing of this Motion and no later than
4 July 15, 2007, or at such other mutually agreeable location, date, and time, and continuing
5 from day to day thereafter until completed.
6

7 This Motion is further explained in the following Memorandum.

8
9 **Memorandum**

10 The Trust seeks information concerning various transactions between Old Republic
11 and USACM, the other debtors in the above-captioned cases (together with USACM, the
12 “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related entities.
13 Old Republic is one of several title companies that participated in the documents of loan
14 transactions between the Debtors and their borrowers. The Trust seeks this information
15 from the title companies to assist in the collection of the assets and the investigation of the
16 liabilities of the Debtors.
17

18 In particular, the Trust will seek the following categories of documents from Old
19 Republic and other title companies:
20

- 21 • Closing statements from transactions in which Debtors participated;
- 22 • Purchase contracts, amendments, and assignments from these transactions;
- 23 • Deeds of trust from these transactions;
- 24 • Documents identifying other escrows relating to the properties at issue;
- 25 • Title policies issued in connection with the closing of the transactions in
26 which Debtors participated.

The requested discovery from Old Republic is within the scope of examination permitted under Bankruptcy Rule 2004, which includes:

[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or . . . any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.¹

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: May 25, 2007.

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

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¹ FED.R. BANKR. P. 2004(b).